

# EXHIBIT A.636

(1 of 3)



**The Palestinian Human Rights Monitor**  
The Bi-monthly publication of the PHRMG  
(Palestinian Human Rights Monitoring Group)

**November, 1999**

**Media in Palestine:  
Between the PNA's Hammer  
and the Anvil of Self-Censorship**

**A Preface**

*by Dr. Tayseer Mashareqa - a researcher in Education, Media and Communication at Birzeit University*

This report that deals with the freedom of press in Palestine and the violations against it is based on UN principles and articles of the International Declaration of Human Rights, and article 19 in particular.

This report deserves to be evaluated as an organized and effective effort by the team of: Alia Siksik as researcher, with support from Maher Farraj, Izzeddin al-Ruzzi, Walid Hadi and Roula Haddad, who together managed to record the evolving press experiment under the PNA (1994-1999).

This research approaches some of the abuses against the journalism profession in this phase of the Palestinian struggle to obtain their own independent free press. The report also discusses the phenomena of self-censorship among Palestinian journalists after the PA has cancelled the old fashioned sword of censorship.

The historical importance of this report springs out from the fact that it registers an important stage on the road to Palestinian independence from a free journalistic angle, and the freedom of expression in the democratic change.

It would be wrong to take in the contents of this report with excessive sensitivity, because that would harm the subjective value at this time when we need transparency in order to find the path towards our national goals. This report that played the role of the subjective monitor that recorded our faults and mistakes opens our eyes so that we carefully observe and discover our negative practices, so as to evaluate and straighten our march at this time when we are building our democracy.

The report contained basic information that summarized our reality in media, and the size of suffering that journalists face while on duty. It reflects a difficult stage of joy and independence making. All the detailed information, the testimonies, the tables, and the article of Omar Nazzal on the audio-visual stations, all that built up a remarkable picture of our current situation, and drew a map in a serious attempt to up-grade and develop our media performance.

The researcher and the team who prepared this report faced a hard time and technical and linguistic obstacles regarding the testimonies taken from journalists who were abused, and it was hard for them to speak up and tell as they felt the heavy responsibility behind that. It wasn't easy to record the exact details as those violations occurred in dark rooms behind closed doors. Yet the process of gathering those testimonies and recording them hold in itself the heritage of suffering and struggle of those abused journalists and touches on a socio-political problem that reflects the amount of the pull and push operation that is involved in the media movement at a time when a media system is evolving. And if we are at present putting down the foundations for a state that values democracy, then we should consider the media as a monitoring tool that we have to respect and look after.

It is important, therefore, to appreciate the important role that the Palestinian Human Rights Monitoring Group PHRMG plays in its aspirations for a civil society based on establishments, the rule of laws, democracy and human rights, and the freedom of expression is considered at the top of that.

The report has been reviewed and evaluated by a number of academics and the Ministry of Information, whose response was useful specially Mr. Abdallah al-Horani and Maher al-Masri, Director of press and publications, such responses increase the discussion and highlights the questions addressed in this report. Once again I highly appreciate the work of the researcher Alia Siksik and her colleagues who participated in the preparation of this report that I refer to as a reference to media students, historians and decision-makers because of its value of documentation for an important phase in the life of the Palestinian people.

## **A. Introduction**

"Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers."

Article 19 from the The Universal Declaration of Human Rights

"There shall be no infringement of freedom of expression; within the limits of the law, every human being has the right to express his beliefs and to publish the orally, in writing, by any other means of expression or through art."

Article 19, The Draft Basic Law of the PNA



"The Press and the act of publishing must be free from interference and freedom of expression is guaranteed for every Palestinian; without interference, he may express his belief orally or by any other means, such as photography or art in the means of expression or through the media."

Article 2, Palestinian Press Law of 1995

This is not the first time PHRMG has written on the issue of freedom of the Palestinian press, although it is the first time that we have done so since the issuing of the presidential decree on incitement. This decree has restricted the freedom of Palestinians in general and the freedom of the press in particular.

We based our research on interviews with journalists who work in private radio and TV stations, in daily newspapers, in foreign news agencies, and with the Press and Publications Officer at the Ministry of Information. Besides, a huge number of written articles, researches on media topics inside and outside Palestine. Furthermore, there were few workshops on the issue, specially the one organized by *al-Haq* organization in Ramallah under the title "Legislation of the prevention of incitement, and ambitions to build a democratic system".

We faced some difficulties while conducting this research such as; the absence of lists of journalists who were abused (such lists were not available at the Journalists Association or the Ministry of Information) so we journalists had to dig their memories to remember details, many of those journalists left this profession for another career, others were afraid to mention the name of the security service that abused them and some asked for some time to consider his testimony.

And we wonder: Have violations committed by the Palestinian security organs against Palestinian journalists decreased or increased since the issuing of the Presidential decree in October 1998? From the statistics we have been able to compile, we have found that violations committed between 1 January and 30 August 1999 amounted to 6% of the total number of 50 violations that PHRMG has recorded since the coming of the PA in 1994. This % is to be considered low: the percentages for 1996, 1997 and 1998 stood at 30%, 20% and 24% respectively. This low percentage in 1999 does not, however, indicate a decrease in the red lines drawn by the Authority. Instead, PHRMG has established that there has been an increase in self-censorship by journalists who have been anticipating the Authority's violations.

Two thirds of the violations committed against Palestinian journalists took place in Gaza Strip, despite the fact that the number of journalists and the amount of printed material is larger in the West Bank. There are three possible factors explaining these statistics. Firstly, there are no private television and radio stations in Gaza, whereas such stations number 35 in the West Bank. Secondly, the comparatively higher population density of Gaza is a social reality which renders the control of the masses all the more difficult in case the population is encouraged to protest against the Authority on the basis of distributed

information. Finally, it may be that the Authority simply has more control over the Gaza Strip than over the West Bank.

In the light of what the PHRMG has recorded, we have established that most of these violations in the Autonomous Areas have been committed by the Palestinian Security Services. The Ministry of Information has hindered the distribution of newspapers and has closed television stations.

In section one of the research, we looked at the written press, giving a general background to the daily newspapers prior to 1967, and after that, through the different phases till the coming of the PNA, and then to 1999.

In the second section, under the title "Red lines and self-censorship" we classified the sorts of censorship that face the Palestinian journalist, discussing each of them separately trying to be comprehensive in our approach, thus giving focus on the self-censorship because of its negative effect in limiting the freedom of thinking and writing. In the third section, entitled "The Private radio and TV stations" we indicated how those stations came into existence and developed, and the role of the Ministry of Information in that, and the Israeli and Palestinian violations against them. In section four, entitled "Violations against the Palestinian journalists" we concluded a group of percentages that provide us with a picture in the form of figures on the nature of these violations and the methods adopted in them, and the security services that carry them out. These violations are distributed on the years as they occurred, then we showed the 49 violations in the form of a table as recorded by the PHRMG. The last, fifth, section entitled "Incitement" deals with this issue comprehensively. It starts by mentioning few articles from the "Wye River Memorandum" on the subject, then the Presidential decree forbidding incitement and its legality and whether this decree agrees with international standards for human rights, and its influence on the press, and the Trio Committee (Palestinian – American – Israeli) to prevent incitement which was formed after the Wye agreement.

PHRMG stresses the seriousness of the phenomenon of increasing self-censorship among Palestinian journalists, which not only prevents the publishing of written material and limits freedom of thought, but also hinders the development of our people at the beginning of the 21<sup>st</sup> century. Instead, the Palestinian Authority should consecrate our freedoms so as to emanate what other nations of the modern world have achieved so far and should prevent Palestine from being comparable to underdeveloped and undemocratic states, because our people deserve to have the freedom to think. After the many years of suppression and subjugation, our people deserve to have their freedom to think protected.

## **B. Written Press**

### ***1. General Background***



Prior to the 1967 Israeli Occupation of the Palestinian lands of the West Bank, Gaza Strip and East Jerusalem, the Palestinian press in Gaza was under Egyptian administration, whilst the press in the West Bank fell under Jordanian auspices. Three newspapers were published in Jerusalem: "Falastin", "Al-Difa'a" (**defense**) and "Al-Jihad" (**holy war**). After the Israeli occupation in 1967, most of the Palestinian newspapers focused on the local situation and ended their affiliation with the Egyptian and Jordanian press. "AlQuds" (**Jerusalem**) newspaper appeared at that time after both *Al-Difa'a* and *Al-Jihad* had merged. Other newspapers appeared every now and then but the occupying power used to close them because these papers crossed the red lines drawn for them.

In addition to their own military orders, the occupying power made use of the British Emergency Regulations of 1945 in order to justify control over Palestinian newspapers. The Palestinian Authority ensured that these orders remained in force, flexible and unclear so as to avoid conferring any freedom of maneuver concerning the exercise of freedom of opinion.

Article 88 of those military orders provides that "it is permitted to prevent the publication and distribution of any book or newspaper or other printed material if the censor considers the material to amount to incitement to violence and aggression; it is also forbidden to publish books that harm state security and public order in the state of Israel or in the area under Israeli military administration".

All newspapers used to be sent to the military censor which would delete material classified as "incitement" or as potentially "harm[ing] the security of the Israeli state". Newspapers published in Jerusalem are still subject to such censorship. Military censorship would also prevent the use of vocabulary or expressions relating to Palestinians' feelings or identity.

Palestinian newspapers sometimes succeeded in publishing articles taken from the Hebrew press (which had been untouched by the censor) on Israeli policy in the Occupied Territories.

The Occupying Power used to confront journalists who did not commit themselves to the rigour of the censor's red line: these were either arrested or deported, put under house arrest or prevented from travelling, beaten or even shot at with live ammunition. Detention of Palestinian journalists between January 1987 and August 1991 reached a total of 205. Newspapers and press offices failing to obey regulations were closed down. (*Figures taken from "Palestinian Press under the Autonomous Authority" Qadaya Al-Umma Magazine, September 1997*)

After the coming of the Palestinian Authority those areas not transferred to its rule remained subject to the same Israeli regulations, whereas areas under the Palestinian Autonomous Authority would face the Palestinian censor that

generally acts after articles have been published. The punishment for those crossing the red lined varies from beatings to insults, from arrest to the confiscation of films or the closing down of press offices or newspapers. The ambit of these red lines is not written anywhere but every journalist knows their limits all too well. We shall return to them later in the report.

## 2. Daily Newspapers

Some newspapers were established before the coming of the PA. Some were daily, such as "*Al-Quds*" (**Jerusalem**), "*Al-Nahar*" (**Day-time**), "*Al-Sha'ab*" (**the People**) and "*Al-Fajr*" (**the Dawn**), whilst others were weekly, such as "*Al-Mithaq*" (**the Covenant**) and "*Al-Talee'ah*" (**the Forefront**). Others opened and then closed principally for financial reasons. After the coming of the PA, three new daily newspapers appeared: "*Al-Ayyam*" (**the Days**), "*Al-Hayat Al-Jadida*" (**the New Life**), and "*Al-Bilad*" (**the Country**).

Other weekly or bi-weekly newspapers also appeared, almost all of which belong to the political opposition. These include: "*Al-Watan*" (**the Homeland**) and "*Al-Risala*" (**the Message**) which belong to "*Al-Khalas Al-Watani Al-Islami*" (**The National Islamic Salvation Party**); "*Al-Istiqlal*" (**the Independence**) which belongs to the Islamic Jihad; and "*Al-Masar*" (**the Path**) which is a bi-weekly and belongs to the Democratic Front for the Liberation of Palestine. "*Al-Watan*" was closed by the PA, but the other three are still working until present. What is obvious about these newspapers is that their political line widens according to the political position of the party they belong to.

Turning to the major newspapers:

### *Al-Quds* (Jerusalem)

*Al-Quds* is the most widely distributed newspaper, read by 61.3% of the readers in the West Bank and Gaza Strip (according to a poll organized by Jerusalem Media & Communications Center (JMCC) in August 1998). It was established in 1951 and was published under the name "*Al-Jihad*" until 1967 which is when it was joined by "*Al-Difa'a*" to give it its present name "*Al-Quds*". Its owner and publisher is Mahmoud Abu-Zalaf. Its chief editor is his son, Waleed Abu-Zalaf.

Prior to the Intifada (uprising), the newspaper followed the line of Jordan, but after the Intifada there was an agreement between the administration of the newspaper and the PLO that the newspaper would follow only a Palestinian line and that the PLO would, in turn, support it financially.

After the coming of the PA, the placement of the censor's red lines was no longer so clear: a dispute between the PA and *al-Quds* over the number of people attending one of the Islamic Resistance Movement (***Hamas***) rallies occurred and resulted in General Ghazi al-Jabali, head of the Palestinian Police,



blocking the distribution of al-Quds in the Gaza Strip for four days. Following this occurrence, a close relationship was forged between the administrative editor of al-Quds and Colonel Jibreel al-Rujoub, Head of the Preventive Security in the West Bank, which resulted in daily contact between the two parties with a view to agreeing firstly on what should appear on the front page of each edition and secondly on the content of articles criticising the Authority or one of its institutions.

*Between 28.11.94 and 2.12.94 the Palestinian police halted the distribution of the following four newspapers: al-Quds, al-Nahar, al-Manar and the Jerusalem Post. On 29.11.94 al-Quds and AFP reported that General Ghazi al-Jabali was responsible for the delay in the distribution of these newspapers. al-Jabali claimed that the delay was due to the "bad weather", sharply criticised the newspapers and threatened more measures against them. He actually said: "All those journalists are collaborators and the "bad weather conditions" may continue for another eight months"*

For the PA's strategy to be executed perfectly and to avoid journalists wasting time, they are given instructions on how to write and edit articles and reports that are void of any critical analysis by the journalist himself. If a piece of news is deemed to be vital but criticizes the authority, it is published in an inconspicuous place within the paper and with a small heading. Thus the story in effect loses its importance. Moreover, when a piece mentions that a security organ has abused a citizen, the newspaper inevitably fails to give details of the name or age of the victim and fails to mention which security department has been responsible. If the matter involves criticism of high officials in the Authority, al-Quds does not publish anything on the matter until it has been dealt with by other papers. A journalist who works for al-Quds is on record as having said that "before publishing the report on corruption within the PA, I had to submit a draft copy of it: the newspaper did not publish it immediately. If it had done so, this would have constituted a precedent. After this episode, I stayed at home for a week not doing anything".

At times the newspaper is asked to delay publication of a report dealing with an error committed by the PA until the latter straightens things out. After this has been done, the newspaper publishes a report both on the error as well as on its rectification. On other occasions a journalist from the paper is asked to conduct an interview with someone who is on good terms with the owner of the paper whilst the paper refuses to publish anything on individuals that are on bad terms with the owner.

### **Al-Ayyam (the Days)**

This is the second most widely distributed newspaper, read by 19.2% of Palestinian readers (according to the 1998 JMCC poll). It was established in 1995 with a total capital of five million Jordanian Dinar. The first issue appeared



on the 12 December 1995. Its chief editor is Akram Haniyeh, who is also the media advisor of President Arafat. Its readiness to challenge some of the red lines drawn by the Authority is to be explained by its chief editor's close relations with President Arafat: this permits the newspaper to tackle more sensitive issues and - at times - to be critical of the PA.

**Al-Hayat Al-Jadida (the New Life)**

This is the third largest paper, read by 13.7% of readers (according to the 1998 JMCC poll). It was established in 1995 and adopted a pro PA line from the beginning. Its General Director is Nabeel Amro, an advisor to President Arafat. Its chief editor is Hafez Barghouti.

Most of the papers employees receive their salaries from the Ministry of Finance, which means that they are state employees. A decision was taken in December 1997 to transfer all 18 of the newspaper's employees to the Public Employees Department of the PA. General Intelligence in Gaza, however, reversed this decision for the following employees:

- Hasan Douhan, aged 24, employed by the newspaper for 3 years;
- Mustafa Sheikh Eid, aged 29, employed by the computer department of the newspaper for 4 years;
- Sameer Hamtou, aged 30, employed by the newspaper for 4 years

These journalists receive separate salaries, paid directly by the newspaper, and have neither employment contracts nor any kind of insurance benefit. The reason may well be that these three workers are affiliated to the Islamic block.

**Al-Nahar (the Day-time)**

This newspaper appeared in March 1986. Its publisher was Othman Al-Hallaq and its chief editor Issam Al-Anani. The paper closed on 1 January 1997 and was known for following the Jordanian line.

Its closure was caused by financial problems precipitated by PA pressure on the paper. At one point in 1994 it was closed for 40 days which resulted in the loss of both sponsors and readers who discontinued their support and turned to other newspapers. Some individuals also advised newsagents to not to display al-Nahar in conspicuous positions on their newsstands.

**Al-Bilad (the Country)**

Al-Bilad independent newspaper was published for the first time on a daily basis on 13 May 1995 by the Palestinian House for Art and Media Production. By the

beginning of 1997 it had turned into a weekly because of financial problems and finally closed on 10 August 1998. Its publisher was As'ad Al-As'ad and its director Hani Arafat.

Al-Bilad did not receive any external financial support. In May of 1995 it boasted 60 journalists, which dwindled to 15 when it became a weekly in 1997. At its peak it distributed around 5000 copies.

Al-As'ad explained the line of his newspaper: "We want to have a paper which reflects both sides of the coin and which provides the reader with things that he won't find on satellites!" He was summoned to the office of Jibreel al-Rujoub on 6 February 1996 and was questioned for 14 hours about why he had criticized President Arafat. "After this incident", Al'As'ad says "I imposed self-censorship because I knew the contrary would upset the Authority".

Its worth mentioning that the reason why al-As'ad was summoned on orders received from the President's Office, was that he had published a report on President Arafat's economics advisor, Khaled Salam, and on Salam's secret contacts with Yosi Gunar, the ex-chairman of the "Shabak" (the Israeli intelligence service).

#### **Al-Watan (the Homeland)**

This newspaper, affiliated to Hamas, was established on 28 April 1995 and closed down on 25 December 1995. Between those two dates it was closed down twice by the Palestinian security forces.

The first of these two closures took place in May 1995 for a period of two months and a half and was justified on the basis of a report that had been taken from the BBC which had reported that the name "Zahwa", the name of President Arafat's daughter, would appear in a commercial advertisement. The newspaper's administration was not informed of this reason, though the President's General Secretary, Tayeb Abdel-Rahim, mentioned this fact when he latter spoke with the newspaper's officials.

The second of the closures took place on 5 August 1995 for a period of one month and was caused by the publication of an article that had criticized President Arafat.

On both occasions, the administration of the newspaper only became aware of the orders for closure on the morning of the actual closure: no warning was given. According to the chief editor of the newspaper Dr. Ghazi Hamad, "we would find a paper stamped by the police ordering the closure of the newspaper until further notice". The newspaper was reopened twice after "mediators" intervened. The official channel - direct contact between the paper and the Attorney General or the Ministry of Information - was not used.



### **Al-Risala (the Message)**

This is a weekly newspaper published by the National Islamic Salvation Party. It is headed by Ghazi Hamad, first appeared on 1 January 1997 and was closed for the first time by the Palestinian police on 4 September 1997 for a period of three months on the grounds that an article written by Abdel-Sattar Qassem on Egyptian financial support to the PA had defamed President Mubarak. This article criticised the misuse of such funds to pay for congratulatory advertisements.

Members of the police and preventive security raided the premises of the newspaper, confiscated some materials and placed an order on the outside door prohibiting entry. This was accomplished without the knowledge of the Attorney General. The newspaper's administration took the case to the High Court who ordered the reopening of the newspaper's offices on 15 May 1998. In the event but the offices reopened on 4 December 1997, that is to say before the decision of the High Court.

On 27 April 1999 Dr. Hamad was summoned to police headquarters and was told that his newspaper would be closed until further notice. When he asked for reasons, Major Mahmoud Saqr replied: "I don't know". The Head of the Journalists Association in Gaza, Tawfiq Abu-khousa, intervened by contacting Tayeb Abdel-Rahim, General Secretary of the President. Dr. Hamad reports that, "Tawfiq Abu-Khousa and Major Mahmoud Saqr came to the offices of the newspaper and said that Tayeb Abdel-Rahim had decided to reopen the newspaper". When Hamad again asked about the reasons for the closure, they pleaded ignorance.

And on 22 May 1999 Ghazi Hamad was summoned again, this time to criminal intelligence at police headquarters. He was asked about the report on Ayman al-Amssi who had been tortured by Palestinian police after being charged with the rape of a woman from inside the green line despite the fact that he had been pronounced innocent of the charge by an Israeli court and had been released. Dr. Hamad was kept until the following day. The chief editor, Salah Bardawil, and writer of the report, Wisam Afifiyeh, were detained for two days and were released following the intervention of the Journalists Association.

### **Al-Istiqlal (the Independence)**

A political weekly affiliated with Islamic Jihad, this paper first appeared on 21 October 1994.

In February 1995 several members of the security forces raided the offices of the newspaper, confiscated material and arrested six employees for periods ranging from 23 days to 3 months. The newspaper was closed with sealing wax. "The next day", says the chief editor Ala'a Saftawi, "they took me out of prison and

back to the office where I saw the ex- Attorney General Khaled al-Qidra and the Mukhtar of the neighborhood. They took out 5000 shekels from one of my drawers (received from subscriptions and advertisements in the paper) and asked me from where I had received the money. Following a meeting with President Arafat, they allowed us to reopen one and a half months later". The administration of the newspaper was not informed about the reason for that closure, but the closure coincided with suicide bombings committed by the Islamic Jihad, in which one of the paper's employees, the director Hani Abed, was killed.

The second closure clearly took place for political reasons. Tayeb Abdel-Rahim summoned Saftawi to his office on 10 July 1998 and informed him that the Authority had to close the newspaper because the political atmosphere could not allow it to continue and that this was the decision of the political leadership. Saftawi said: "They didn't hand me a written order but I recognised that there was Israeli pressure demanding seven items. The 4<sup>th</sup> was the closure of the centre for incitement, Al-Istiqlal newspaper".

Saftawi was summoned several times by the police concerning articles that the paper published. The first time was for few hours in mid February 1996 relating to a report on the killing of Ayman al-Raznieh and Imad al-A'raj in *al-Shati* (Beach) camp.

The second time was on 27 February 1996 when a (unidentified) police force took Saftawi from his house after midnight to police headquarters, where he was interrogated concerning the front page article published on 16 February 1996 under the title "oath and responsibility" which had the police claimed personally criticized President Arafat. Saftawi states that the police said: "How dare you speak like that about the President? In all the history of Arab democracies no one insulted a President!" Saftawi states that he responded in the following manner: "I didn't mean to insult President Arafat because I respect his long past struggle. All I wanted to do was draw attention to the deteriorating security situation". The police detained him for three days.

### **C. Censorship, Red Lines and Self-Censorship**

A journalist in Palestine faces both external censorship, which restricts his freedom of opinion and expression, and the consequences of self-censorship, which limit his initiative to reflect on issues he believes may exceed the limits of the red lines. This fact makes the local press behave like parrots, repeating without questions or criticism that which is expected of them. We may exclude the "*Al-Hayat Al-Jadida*" newspaper which was established in June 1999 and publishes reports and essays criticizing officials in certain institutions. The Authority considers this to be slander rather than constructive criticism.



We have categorized censorship measures that journalists face on a daily basis under the following:

1. Israeli censorship
2. Palestinian censorship
3. Tribal censorship (customs and traditions)
4. Advertising companies' censorship
5. Self-censorship

*1. Israeli Censorship*

During the premierships of Rabin and Peres, Israeli censorship was formal: the censor only censored reports on the Israeli Intelligence Service and some reports on the Palestinian opposition. But when Netanyahu took over, the censor began to delete reports on both the Authority as well as the opposition. Israeli radio also submitted to the views of the censor. An example of the latter is when in July 1999 the "Shin Bet" (Israeli Intelligence Service) summoned the Chief Secretary and the Editor-in-Chief of *al-Quds* newspaper to discuss a report *al-Quds* had published one and a half years previously concerning an attack carried out by Hamas. That particular report had been taken from Israeli radio.

*(Taken from an interview with a journalist who asked that his name be withheld)*

News and reports that have to go to the censor include those covering the following subjects: settlements, the status of Jerusalem, borders and announcements potentially fuelling nationalist sentiments, any information pertaining to Israeli military forces (such as the identity of officers' who have abused citizens) and the names of those whose houses have been demolished. Linguistic censorship includes removal of terms such as "martyr".

*2. Palestinian Censorship*

The red lines which the PA has drawn for journalists cover such varied subjects as writing about the President and his family in a critical manner through writing about security organs or the security situation and the presentation of ideas proposed by the opposition to speaking about Hamas leaders wanted by the Authority. The following are only some of the examples.

The PA arrested the journalist Ala'a Saftawi on the basis of a leading article he had written for *al-Istiqlal* newspaper about the deteriorating security situation. It was held to be too critical of the President.

Dr. Ghazi Hamad was arrested and tortured for ten days on the basis of an essay he had written for *al-Istiqlal* newspaper on the relationship between the Palestinian people and the security services.

Journalist Taher Shreiteh, a Reuters correspondent, was arrested for six days because he released a film that showed the Israeli soldier Nahshon Vaxman, kidnapped by Hamas.

On 14 May 1996 the journalist Fayez Ibrahim Nouredin was arrested because he had published a photo in *al-Ayyam* newspaper showing men pushing a donkey into the sea. Underneath he had written "Donkeys' Speciality".

*For further information see the section on "Abusing Journalists Rights"*

### *3. Tribal Censorship*

Tribe mentality and the "logic" of physical force still dominates on many issues within Palestinian society. This is at least partly explained by the weakness of the Palestinian judicial system. Because journalists are part of this community, they are limited by this approach and false logic. Consequently, PHRMG would underline that the press does not comment on tribal disputes and fails to criticize questionable traditions.

*I once wrote a report on the phenomenon of young guys following young girls as they come out from school, especially on Saturday when the workers in Israel are off. But the next day the newspaper's administration called me and asked me not to come to work because of the fact that there were about fifty young men outside the building threatening to attack me because of the report. A journalist who works in a local daily newspaper.*

Some serious phenomena in Palestinian society require study and analysis, but journalists fear to do so because they are afraid of being harmed at their place of work. There are, for example, cases of gunfire and murder occurring in the community that need to be looked into in some detail, and yet on certain occasions such cases of murder are not reported at all. A journalist writing about such incidents risks being harmed. To take but one example, two years ago a journalist wrote, in a periodical, about a wedding in which the bride sat on a chair placed next to another chair on which the photo of the bridegroom had been placed. He was in America. The journalist in question did not mention names or places, and yet the family of the bride came to the offices of the periodical and threatened its administration.

*PHRMG interview with journalist Majed Arouri*

### *4. Advertising Companies' Censorship*

Big advertising companies who regularly have their commercial advertisements published exert great influence: with a view to retaining their sources of funding,



newspapers refuse to publish any material that may harm the interest of these companies, such as articles on the negative effects of smoking.

*Some local newspapers, though not all of them, refuse to publish comments working against the interests of a certain company so that the papers don't lose their advertisements. For example, an administrator in the Palestinian Telecommunications Co. wrote about many questionable issues related to that company: the newspaper refused to publish these because it feared that this would damage its relationship with an important source of advertising revenue. PHRMG interview with journalist Majed Aroui*

### **5. Self-Censorship**

Self-censorship is considered more serious than external censorship because it not only prevents the journalist from publishing that which he has written, but also from writing, thinking or analyzing in the first place. He clearly wishes to avoid wasting time on writing material that may not be published.

#### **Forms of self-censorship:**

The failure of our own press to report on the news and reports that we read about in the foreign press, such as on the weakness in the performance of our leadership, on corruption or analysis of political reports and other issues.

The focus on the Authority's reaction to an action, rather than on the action itself. Usually the latter is of more importance. An example is that when a prisoner dies in jail, no details are given about the prisoner himself or about the reason for his death: the only reporting done is on the reaction of Authority's officials.

The avoidance of giving the name of the security service that has committed a violation: all that is mentioned is "the security services". The papers fear that if they give the precise reference, they will be pursued by officials of that service.

The failure of some newspapers to report on the interference committed by a security organ against employees of those papers.

Self-censorship also occurs when journalists hear of colleagues from other papers being abused by the security services on the basis of having crossed the red lines: the former desist from criticism as a result of fear of undergoing the same experience or as a result of remembering their own personal experience of similar treatment.

*Before officially publishing the report on corruption, the newspaper refused to publish it. If it had agreed to publication, this would have been a precedent. I now impose self-censorship and consequently do not write anything concerning the*

*performance of the Authority or the Authority's political prisoners. A journalist who refused to have his name printed.*

All the above concerns what is called the red line which no one working in the media may cross. There is, unfortunately, no set of clear and precise ethics provided for by Palestinian law that defines the limits to what the media may say. Spontaneously imposing self-censorship on the written and spoken word as well as on intentions to write or speak out is therefore inevitable. It means taking the initiative when writing about a subject that has a direct or indirect relation with the Palestinian security organs or when criticizing a public personality for the performance of the Authority or of one of its departments. Tackling such issues or even thinking about them makes the journalist worry, reluctant, afraid and nervous: should he write about the matter directly or indirectly? Should he give the subject full or partial coverage? Or should he ignore the whole issue and write about something comparatively less important in the life of the Palestinian people?

## **D. Private Radio and TV Stations**

### *1. General Background*

Prior to the coming of the PA there were some private TV stations in the north of the West Bank. This was to be explained by the fact that this area is close to the Arab towns in the Galilee (inside the green line) where there are many TV cables. These stations broadcast entertainment programs taken mainly from satellites and received permits from the Occupying Power at a time when journalists were arrested and newspapers were being closed down. The reason for this support may well have been that the stations in question only transmitted entertainment programs: nothing constructive to enlighten Palestinian society on political issues was emitted.

### *2. The coming of the PA*

After the coming of the PA, the number of private TV stations increased rapidly. At the time of writing this report, 27 TV and 8 radio stations have been established. Most of them are located in the north of the West Bank (17 TV and 4 radio), a fact to be explained by the infrastructure that was already in place before the coming of the PA.

*There are 27 TV private stations and 8 private Radio stations, distributed as follows: 9 TVs in Nablus, 4 in Ramallah, 4 in Tulkarem, 3 in Hebron, 2 in Qalqilia and 2 in Jenin. In clear geographical terms, this means 17 in the north of the West Bank, 4 in the center and 6 in the south.*

### *3. Constraints on the stations*

These stations vary in their technical capacity, in the principles they profess, in



the messages they emit and in the goals they seek to achieve. They also vary with regard to the extent to which they are subjected to external censorship and in the extent to which they practice self-censorship. Many of these stations face further internal and external problems.

Concerning external factors, there is no law – which, amongst other things, should seek to prevent more than one authority from having supervisory status over the station - to govern the functioning of these stations. It may be inevitable that no such law can be drafted before an agreement is reached between the Authority and Israel as to the waves and frequencies to be used. Because of its flexibility, the law on incitement to violence is another obstacle which significantly limits these stations' flexibility.

As for the internal problems that face these stations: the Ministry, and despite the conditions that it put forward, didn't maintain the minimum technical and professional standard, which means that the viewer may suffer cut in the transmission several times in one day, or a program taken from an Arab station with the attempt to cover the logo of that station, or an inexperienced presenter looking to the right and left every now and then while he is live on the air, and other disturbing matters.

*4. What are the reasons for having these stations? And who is responsible for them?*

Before the coming of the PA, the Palestinian people had been hoping to have Palestinian radio and television engaging in research, in discourse on Palestinian issues and that expresses the ideas and thoughts of the Palestinian community. In our people's mind, this was to be a significant step after their dependence on the Jordanian media (in the West Bank), on the Egyptian media (in Gaza) and on the Israeli media (in both areas) before the coming of the PA.

After the coming of the Authority, official Palestine television and radio started transmitting. Palestinians felt proud as a part of their freedom had been realized. This positive feeling didn't last long, as people recognized that official television and radio only presents and reflects one point of view: the official point of view. All other ideas and thoughts that opposed the Authority were neglected. Palestinian society needed stations that reflected its emotions and worries and so some private television stations and radios were established.

*The reason we established "Watan" television in April 1996 was that our people had lived for 30 years without having its own Palestinian media. Palestinian TV and radio are officially dictated to and we therefore need a more balanced and democratic media that allows for pluralism in the presentation of ideas. This stage represents the phase of building the nation* **Omar Nazzal, Director General of Watan TV.**

The Minister of Information, Yasser Abed Rabbo, confirmed that the PA retains the exclusive right to establish religious tv and radio stations. According to the rules of the Press Law, no one has the right to establish such stations without the agreement of the Authority until a new "law for audio-visual media" has been established.

**Al-Quds newspaper on 21.4.1999**

In some areas there was actually a need for such stations. Bethlehem is one example where the people needed radio station to meet their needs as they approach the year 2000, *confirmed Ahmad Hammad the Executive Director of Bethlehem 2000 Radio*. As for the founders and directors of these stations, "most of them are either independent or from the opposition" *said Hani Al-Masri from the Ministry of Information: Al-Quds newspaper (22.2.1999)*. Some of them are professional who have a message and want to pass it to the people, whilst others don't even have a minimum of experience in this field. Director of the Publication Department at the Ministry of Information, Maher al-Masri, says: "Most of the owners and workers in these stations came from other professions and have very limited experience".

Palestinian National Authority  
Ministry of Information

16.2.1998

**Decision**

With obligation to the law and the abserved regulations, and in order to organize the work of the audio-visual stations, and put an end to the current chaos in the unsystematic increase that lack professional requirements in a way that harms the high national interest.

And with reference to the articles of the Press Law of 1995, and the articales of the communications law of 1996, and the articles of the audio-visual law project, and the desision of the PNA Cabinet issued on 6.6.97 related to organizing the work of the audio-visual stations, I decide not to issue permits, and close following stations:

1. Qasr al-Nile TV, Nablus
2. Al-fajr al-Jadeed TV, Tulkarem
3. Hebron Radio, Hebron
4. Watani Atlas TV, Nablus
5. Tulkarem Central TV, Tulkarem
6. Al-Bilad Radio, Jenin
7. Nagham Radio, Qalqiliya



This decision is considered valid from its date, and all parties concerned are to be informed for action and immediate implementation.

Yasser Abed-Rabbo  
Minister of Information  
Chairman of the Commission  
For audio-Visual stations Coordination

*5. Does the Ministry of Information strive to maintain a minimum standard within these stations? What is the scope of their role and development?*

The Ministry of Information has given temporary annual permits for 35 stations. Hani al-Masri has explained this willingness through reference to various criteria such as the commitment to fostering pluralism in ideas and thoughts in politics and the arts, the encouragement of competition which guarantees the best services for the citizen and the desire to recapture the Palestinian share of Palestinian air waves.

But the question remains: does Palestinian society need so many stations? And are the pre-conditions for permits imposed by the Ministry of Information sufficient to guarantee successful technical running of these stations? Or are other measures needed?

The television viewer may initially watch three or four stations for some time but will eventually prefer the one that most satisfies his needs. The geographical sphere of transmission of these stations will expand in the future to reach most of the Occupied Territories, thus giving the viewer the chance to see an even larger number of stations. Eventually, stations that are generally preferred will continue and will develop, whilst others will close. In this atmosphere of competition, specialization will be achieved in the work of these stations. Though such specialization is currently absent, experience in the West shows that specialization has been very successful. Stations may specialize in sport, economics, news, childrens programmes, religion and so on. By achieving this specialization, the viewer will have more satisfaction of his needs and a clearer expression of his thoughts and beliefs. This could also create a place for the media outlets of political parties, as happened for years in Lebanon.

*Look at the article by Omar Nazzal on  
Audio-Visual Stations.*

Palestinian National Authority  
Ministry of Information

18.5.1998

### Decision

With obligation to the abserved laws, and based on the Press Law of 1995, and reference to the articles of the audio-visual law project, and the decision of the cabinet dated 6.6.97, therefore, I decide to reopen the stations that completed the professional required conditions from the eight stations that were closed, and they are:

1. Qasr Al-Nile TV, Nablus
2. Al-fajr al-jadeed TV, Tulkarem
3. Hebron Radio, Hebron
4. Watani Atlas TC, Nablus
5. Tulkarem Central TV, tulkarem
6. Nagham Radio, Qalqiliya

This decision is considered valid from its date, and all parties concerned are to be informed for action and immediate implementation.

Yasser Abed-Rabbo  
Minister of Information  
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**6. Conditions for obtaining a permit:**

- (i) Having a certain number of professional and experienced workers
- (ii) Having a studio with equipment that does not harm either health or the environment
- (iii) Running equipment that does not interfere with other stations
- (iv) Local programmes must not cover less than 25% of the transmission time
- (v) A radio station must have a minimum of US\$ 60,000 as starting capital, whereas a TV station should have a minimum of US\$ 140,000.
- (vi) Possession of good conduct certificates by the Head of the station and by the Director
- (vii) Agreement from the Ministry of Transport on technical aspects and the frequency.

(As explained by Hani al-Masri, Director of the Press Department)



Despite the conditions imposed by the Ministry, it failed to maintain the minimum technical standards. Viewers may suffer cuts in transmission several times a day or may watch a program already transmitted by another Arab station with an attempt to hide the logo of that first station. An inexperienced presenter live on air looks to the left, then to the right to receive guidelines.

7. *Red lines and self-censorship: Who is responsible? What are the methods followed in drawing them?*

Red lines drawn by private stations include failing to criticise the Authority, failing to meet with Hamas leaders wanted by the Authority, failing to transmit scenes showing the burning of the American and Israeli flags and failing to cover the workers' strikes. The drawing of these lines may take place before the transmission and pursuant to a communication made between officials in the Authority and the administration of the station, expressing their objection to the screening of a certain event or the discussion of a subject in a certain way.

The person who may make the contact by telephone or by coming personally to the station is normally a police spokesman, the preventive security or any other member of the security service's personnel. These normally follow orders from higher officials. On some amusing occasions such personnel has come to a station to hand down the order whilst being on air: some ensuing discussions have consequently been transmitted live to viewers.

*If a problem has occurred one day before the program, they (the security, especially the police) will call the station in anticipation of coverage the following day. The station is asked not to mention anything on the specific problem. Examples of such issues include the dispute between members of the police and some citizens from Beit-Sahour, the case when a woman was killed in the name of her father's honor and the dispute between the Mayor and some members within the municipality.*

**Said Ahmad Hammad, director of Bethlehem 2000 radio**

*Al-Amal TV in Hebron discontinued its transmission during a weekly live program entitled "the bond must be broken" (which deals specifically with the issue off Palestinian detainees in Israeli prisons) because a woman called and asked that detainees inside Palestinian prisons also be discussed. This cut in the transmission was due to the fact that the administration of the station feared that it risked being closed down by the security services following the call.*

**al-Risala**

**weekly newspaper, 5.11.98**

Director and founder of Watan TV, Omar Nazzal, confirms that the security services have interfered in tv transmission in the past and that they continue to do so. He mentions an incident that occurred prior to the closure of the station:

"This was before the third closure in September 1996, when a police officer told me whilst I was live on air that the decision to close down the station had been taken. All the viewers heard the conversation. At that same moment, the Director of the Police called me and started to curse the officer live on the air. These incidents occurred during the tunnel constructions [in Jerusalem]". The station reopened - after a closure that had lasted three days - on the condition that no political communiqué be transmitted without the approval of a person from the "political and moral guidance" office who had to see and approve everything prior to transmission. In another incident, Sa'eb Nassar from the political and moral guidance office came and informed me (says Nazzal) not to transmit or cover anything concerning the PFLP's anniversary. *The PFLP anniversary is on the 11<sup>th</sup> of December*

*The decision to close down the station was taken by the Higher Security Council, which includes all the officials of the security services as well as the governor whom I asked to see the same night. The Minister Jameel al-Tarifi stated that "Israel demanded that we shut down Palestine TV and Watan TV: as to the former we have no problem, but for the later, Watan TV, ...*

***Omar Nazzal told the PHRMG***

Other measures taken against Watan TV:

- The governor called and asked that no news concerning the teacher's strike be mentioned. The strike ended at almost the same time so no confrontation occurred.
- At the time when Mohey-eddin al-Sharif was assassinated, the security services called and asked that we "lower the tune" because we were transmitting some nationalistic songs.
- During the Iraqi crisis, during February – March 1998, the Ministry of Information asked us not to transmit films showing the burning of American and Israeli flags. Nor were we to transmit any declarations from Palestinian officials. We were only to cover things as they happened in Iraq!

The Ministry of Interior closed *al-Rua'a (Shepherds)* TV in Bethlehem on 17 May 1999 after they screened the script play "*Natreen Faraj*". The Director of the station, Hamdi Farraj, received the order for closure, issued by the Head of the Preventive Security Service in the West Bank, which read: "Following the President's instructions, al-Rua'a TV which transmits from Bethlehem, will be closed on the grounds that it has surpassed the limits of local TV stations..."

*(See the order for closure attached)*

Palestinian National Authority